Linda S. Adams
*Secretary for*
*Environmental Protection*

# California Regional Water Quality Control Board

## North Coast Region

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**Arnold Schwarzenegger**
*Governor*

## ORDER NO. R1-2006-0020
## NPDES NO. CA0006017

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

| | |
|---|---|
| **DISCHARGER** | Pacific Lumber Company (PALCO) |
| **Name of Facility** | PALCO Scotia |
| **Facility Address** | 125 Main Street |
| | Scotia, CA 95565 |
| | Humboldt County |

The Discharger is authorized to discharge from the following discharge points as set forth below:

| Discharge Point | Effluent Description | Discharge Point Latitude | Discharge Point Longitude | Receiving Water |
|---|---|---|---|---|
| 003 | Storage pond overflow | 40°28'45" | 124°6'27" | Eel River |
| 012 (B) | Treated municipal wastewater | 40°29'7" | 124°6'9" | Eel River |
| 013 | Multimedia filters back flush water | 40°28'52.6" | 124°6'14" | Eel River |
| 014 (A) | Cooling water blow-down tower A | 40°28'51" | 124°6'14" | Eel River |
| 014 (B) | Cooling water blow-down tower B | 40°28'50" | 124°6'14" | Eel River |
| 015 | Boiler blow-down | 40°28'52.8" | 124°6'14" | Eel River |
| 016 | Once-through cooling water | 40°28'40" | 124°6'21" | Eel River |

| | |
|---|---|
| This Order was adopted by the Regional Water Board on: | June 29, 2006 |
| This Order shall become effective on: | September 30, 2006 |
| This Order shall expire on: | September 30, 2011 |
| The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a minor discharge. | |
| The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations no later than 180 days in advance of the Order expiration date. | |

IT IS HEREBY ORDERED, that Order No. 99-59 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Catherine E. Kuhlman, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 29, 2006.

for Catherine E. Kuhlman, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**REGION 1, NORTH COAST REGION**

ORDER NO. R1-2006-0020
NPDES NO. CA0006017

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## I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

| | |
|---|---|
| **Discharger** | Pacific Lumber Company (PALCO) |
| **Name of Facility** | PALCO Scotia |
| **Facility Address** | Scotia, CA 95565 |
| | Humboldt County |
| **Facility Contact, Title, and Phone** | Robert Vogt, Director Environnemental and Community Services (707) 764-4268 |
| **Mailing Address** | P.O. Box 37, Scotia, CA 95565 |
| **Type of Facility** | Municipal Wastewater (WWTF) and Steam Electric Power (Power Plant) |
| **WWTF Facility Design Flow** | See Provision VI.C.2.a. |
| **Power Plant Facility Design Flow (process)** | 1.0 Million Gallons Per Day (includes approximately 0.86 Million Gallons per day of once through cooling water) |
| **Power Plant Facility Design Flow (discharge)** | 0.13 Million Gallons Per Day |

## II. FINDINGS

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds:

A. **Background.** Pacific Lumber Company (hereinafter Discharger) is currently discharging under Order No. 99-59 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0006017 adopted on August 26, 1999. The Discharger submitted a Report of Waste Discharge, dated February 10, 2004 and applied for a NPDES permit renewal to discharge treated wastewater from Scotia municipal waste treatment facility and 1.0 MGD from the Scotia steam electric power plant**,** hereinafter collectively called the Facility. A revised Report of Waste Discharge was submitted on December 7, 2004.

B. **Facility Description.** The Discharger owns and operates a municipal wastewater treatment facility (WWTF). The treatment system consists of screening, grinding, and grit removal, a primary clarifier, a redwood trickling filter, a secondary clarifier, a chlorine contact chamber, three treatment/polishing ponds, and a sludge digester. Wastewater from the WWTF discharges at Discharge Point 012B.

The Discharger also owns and operates a steam electric power plant (power plant). The power plant system consists of two multimedia filters, a reverse osmosis system, three boilers, and two cooling towers. The boilers convert up to 898 gallons per minute (gpm) of recovered condensate and filtered makeup water from the reverse osmosis system to steam at 600 pounds per square inch at 750 degrees. Steam from the boilers is sent to turbines A, B, and 3, which drive the generators to produce electricity. Some of the

steam is extracted from turbines A and B for process uses including water heaters, de-aerators, and air injectors. Cooling towers A and B are used to cool the condenser on turbines A and B respectively.

The two multimedia filters used for power plant make-up water are back flushed bi-weekly using potable water. Each back flush discharges 9,000 gallons of wastewater at Discharge Point 013. Each cooling tower discharges 41 gallons per minute (gpm) at Discharge Point Serial Nos. 014(A/B). Eight (8) gpm of boiler blow-down discharges from the power plant in combination with 50 gpm wastewater from a hydraulic rock/wood separator at Discharge Point 015. Once-through cooling water from turbine 3 discharges at approximately 600 gpm at Discharge Point 016.

Discharge Points 012B, 013, 014(A/B), 015, and 016 discharge to a 20-acre storage pond which then discharges through a clarifier and out Discharge Point 003 to the Eel River, a water of the United States within the Scotia Hydrologic Sub area of the Eel River Watershed. Storm water at the Scotia Mill, which discharges from Discharge Points 001 through 011 are regulated under the General Permit to Discharge Storm Water Associated With Industrial Activity (WQ Order No. 97-03-DWQ). Attachment B provides a topographic map of the area around the facility. Attachments C-1 andC-2 provide flow schematics of the WWTF, power plant, the log pond and final clarifier.

C. **Legal Authorities**. This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implements regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a National Pollution Discharge Elimination System (NPDES) permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

D. **Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through F, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of this Order.

E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 13389 of the CWC.

F. **Technology-based Effluent Limitations**. The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Secondary Treatment Standards at 40 CFR Part 133 and Effluent Limitations Guidelines and Standards for the Steam Electric Power Category in 40 CFR Part 423. The Regional

Water Board has considered the factors listed in CWC §§13241 and 13263 in establishing these requirements. This Order includes effluent limits that are more stringent than limits provided in Order No. 99-59. A detailed discussion of these effluent limitations is included in the Fact Sheet (Attachment F).

G. **Water Quality-based Effluent Limitations**. Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

H. **Water Quality Control Plans**. The Regional Water Board adopted the Water Quality *Control Plan for the North Coast Region* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses are designated for all waters in the North Coast Region. The water bodies are separated into various categories. Wetlands and groundwater are described outside of the Coastal and Inland Waters categories, as they are unique water bodies that require more detailed descriptions. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan.

a. Beneficial uses applicable to the Eel River are as follows:

| Discharge Point | Receiving Water | Beneficial Uses |
|---|---|---|
| **003** | **Eel River** | Existing:<br>MUN – Municipal and Domestic Supply<br>AGR – Agricultural Supply<br>IND – Industrial Service Supply<br>GWR – Groundwater Recharge<br>FRSH – Freshwater Replenishment<br>NAV – Navigation<br>REC1 – Water Contact Recreation<br>REC2 – Non-Contact Water Recreation<br>COMM – Commercial and Sport Fishing<br>COLD – Cold Freshwater Habitat<br>WILD – Wildlife Habitat<br>RARE – Preservation of Rare, Threatened, or Endangered Species<br>MIGR – Migration of Aquatic Organisms |

| Discharge Point | Receiving Water | Beneficial Uses |
|---|---|---|
| | | SPWN – Spawning, Reproduction, and/or Early Development<br>AQUA – Aquaculture<br>Potential:<br>PRO – Industrial Process Supply<br>POW – Hydropower Generation<br>WARM – Warm Freshwater Habitat |
| | **Groundwater** | Existing:<br>MUN – Municipal and Domestic Supply<br>AGR – Agricultural Supply<br>IND – Industrial Service Supply<br>CUL – Native American Culture<br>Potential:<br>PRO – Industrial Process Supply<br>AQUA – Aquaculture |

The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal* and *Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.

J. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP*).* The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans. The SIP became effective on May 18, 2000 and was subsequently amended on February 24, 2005.The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.

K. **Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a

CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under Section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order includes compliance schedules and interim effluent limitations. A detailed discussion of the basis for the compliance schedule(s) and interim effluent limitation(s) is included in the Fact Sheet (Attachment F).

L. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Basin Plan implements and incorporates by reference, both the State and Federal Antidegradation policies. As discussed in detail in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

M. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

N. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

O. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

P. **Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet (Attachment F).

Q. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

## III. DISCHARGE PROHIBITIONS

A. The discharge of any waste not disclosed by the Discharger or not within the reasonable contemplation of the Regional Water Board is prohibited.

B. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC is prohibited.

C. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.

D. The discharge of sludge or digester supernatant is prohibited, except as authorized under Section VI.C.6.d. Solids Disposal and Handling Requirements.

E. The discharge or reclamation of untreated or partially treated waste from anywhere within the collection, treatment, or disposal facility is prohibited, except as provided for in Attachment D, Standard Provision I. G (Bypass).

F. Discharges of waste to the Eel River or its tributaries are prohibited during the period May 15 through September 30 each year.

G. During the period of October 1 through May 14 of each year, discharges of wastewater shall not exceed one percent of the flow of the Eel River. To comply with this flow prohibition, (1) the Discharger shall adjust the discharge rate of treated wastewater at least once daily to avoid exceeding, to the extent practicable, one percent of the most recent daily flow measurement of the Eel River as measured at the Scotia gauging station (USGS Station 11477000); and (2) the total volume of treated wastewater discharged in a calendar month shall not exceed, in any circumstances, one percent of the total volume of the Eel River, in the same calendar month.

H. During periods of discharge, USGS Station 11477000 shall be read at least once daily, and the discharge flow rate shall be set for no greater than one percent of the flow of the river at the time of the daily reading. At the beginning of the discharge season, the first monthly flow comparisons shall be determined from the date when the discharge commenced to the end of the calendar month. At the end of the discharge season, the final monthly flow volume shall be determined from the first day of the calendar month to the date when the discharge ended for the season.

I. The discharge of waste to land that is not owned by or under agreement to use by the Discharger is prohibited.

J. The discharge of waste at any point not described in Finding II.B. or authorized by any State Water Board or other Regional Water Board permit is prohibited.

K. Flow of waste into the Discharger's WWTF in excess of 0.77 MGD, is prohibited.

## IV. EFFLUENT LIMITATIONS

### A. Final Effluent Limitations

#### 1. Final Effluent Limitations – Discharge Point 003

The discharge of stored wastewater shall comply with the following effluent limitations at Discharge Point 003, with compliance measured at Monitoring Location 003 as described in the attached Monitoring and Reporting Program (Attachment E).

a. Wastewater discharged to the Eel River shall not contain detectable levels of total chlorine using an analytical method or chlorine analyzer with a minimum detection level of 0.1 mg/l.

b. The discharge of stored wastewater shall not contain any measurable settleable solids.

c. There shall be no acute toxicity in the effluent when discharging to the Eel River as measured at Discharge Point 003. The Discharger will be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:
   i. Minimum for any one bioassay: 70 percent survival
   ii. Median for any three or more consecutive bioassays: at least 90 percent survival

Compliance with this effluent limitation shall be determined in accordance with Section V.A. of the attached Monitoring and Reporting Program (Attachment E).

d. The pH of all discharges shall not be below 6.5 nor above 8.5.

**2. Final Effluent Limitations – Discharge Point 012(A/B)**

a. The disinfected effluent, sampled at Monitoring Location 012(A) as described in the attached Monitoring and Reporting Program (Attachment E) shall not contain concentrations of total coliform bacteria exceeding the following concentrations:

i. The median concentrations shall not exceed a Most Probable Number (MPN) of 23 per 100 milliliters, using the bacteriological results of the last 30 calendar days for which analyses have been completed.
ii. The number of coliform bacteria shall not exceed an MPN of 230 per 100 milliliters.

b. The treated wastewater shall be adequately oxidized and disinfected as defined in Title 22, Division 4, Chapter 3, California Code of Regulations (CCR).

c. The discharge of secondary treated wastewater, as defined by the WWTF's treatment design and the numerical limitations below, shall comply with the following effluent limitations at Discharge Point 012**,** with compliance measured at Monitoring Location 012(B) as described in the attached Monitoring and Reporting Program (Attachment E).

| Parameter | Units | Effluent Limitations 012(B) | | | | |
|---|---|---|---|---|---|---|
| | | Average[1] Monthly | Average[2] Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Biochemical Oxygen Demand 5-day @ 20°C | mg/L | 30 | 45 | 60 | -- | -- |
| | | | | | | |
| | lbs/day [3] [4] | 64 | 96 | 129 | -- | -- |

[1] The arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

[2] The arithmetic mean of all daily determinations made during a calendar week, Sunday to Saturday. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar week when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the weekly average.

[3] Mass based effluent limitations presented here are based on an average flow rate of 0.257 MGD. During wet weather periods, when the effluent flow rate exceeds 0.257 MGD, mass limitations shall be calculated using the actual daily average effluent flow rate [mass based limitation (lbs/day) = 8.34 x C x Q, where C = the concentration

| Parameter | Units | Effluent Limitations 012(B) | | | | |
|---|---|---|---|---|---|---|
| | | Average[1] Monthly | Average[2] Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Total Suspended Solids | mg/L | 30 | 45 | 60 | -- | -- |
| | lbs/day | 64 | 96 | 129 | -- | -- |
| pH | Standard Units | -- | -- | -- | 6.5 | 8.5 |

d. Percent Removal: The average monthly percent removal of BOD (5-day 20°C) and total suspended solids shall not be less than 85 percent as measured at Monitoring Location 012(B). Percent removal shall be determined from the monthly average value of influent wastewater concentration in comparison to the monthly average value of effluent concentration for the same constituent over the same time period. (CFR 133.101(j)).

### 3. Final Effluent Limitations – Discharge Point 013

a. The discharge of low volume waste as defined by 40 CFR § 423.12 from back-flushing multimedia filters, shall maintain compliance with the following effluent limitations at Discharge Point Serial Number 013. Compliance shall be measured at Monitoring Location Discharge Serial Number 013 as described in the attached Monitoring and Reporting Program (Attachment E).

| Parameter | Units | Effluent Limitations 013 | | | |
|---|---|---|---|---|---|
| | | Average Monthly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Total Suspended Solids | mg/L | 30 | 100 | | |
| Oil and grease | mg/L | 15 | 20 | | |
| Polychlorinated Biphenyls | ug/L | --- | No Detectable Amount | --- | --- |
| pH | Standard Units | ---- | ---- | 6.0 | 9.0 |

based limitation (mg/L) and Q = the actual effluent flow (MGD)]. In no circumstances shall mass based limitations for $BOD_5$ and TSS be based on an effluent flow greater than 0.77 MGD, which is the peak hydraulic capacity of the facility.

[4] The mass discharge (lbs/day) shall be determined using the following equation.

$$\frac{8.34}{N} \sum_{i}^{N} Q_i \, C_i$$

Where N is the number of samples analyzed in the monitoring period. $Q_i$ and $C_i$ are the flow rate (MGD) and the pollutant concentration (mg/L), respectively, which are associated with each of the N grab samples collected in that calendar day, week, or month. If a composite sample is taken, $C_i$ is the concentration measured in the composite sample, and $Q_i$ is the average flow rate during the period in which samples were composited.

### 4. Final Effluent Limitations – Discharge Point 014 (A/B)

a. The discharge of recirculated cooling water blowdown as defined by 40 CFR § 423.13 shall comply with the following effluent limitations at Discharge Points Serial Number 014. Compliance shall be measured at Monitoring Location Discharge Serial Numbers 014 A and B as described in the attached Monitoring and Reporting Program (Attachment E).

| Parameter | Units | Effluent Limitations 014(A/B) | | | |
|---|---|---|---|---|---|
| | | Average Monthly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Free Available Chlorine | mg/l | 0.2 | 0.5 | --- | --- |
| 126 Priority Pollutants | ug/L | --- | No Detectable Amount[5] | --- | --- |
| Chromium, Total | mg/L | 0.2 | 0.2 | ---- | ---- |
| Zinc, Total | mg/L | 1.0 | 1.0 | ---- | ---- |
| Polychlorinated Biphenyls | ug/L | --- | No Detectable Amount | --- | --- |
| pH | Standard Units | ---- | ---- | 6.0 | 9.0 |

### 5. Final Effluent Limitations – Discharge Point 015

a. The discharge of boiler blowdown, low volume waste, as defined by 40 CFR § 423.12 shall maintain compliance with the following effluent limitations at Discharge Point Serial Number 015. Compliance shall be measured at Monitoring Location Discharge Serial Numbers 015 as described in the attached Monitoring and Reporting Program (Attachment E).

| Parameter | Units | Effluent Limitations 015 | | | |
|---|---|---|---|---|---|
| | | Average Monthly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Total Suspended Solids | mg/l | 30 | 100 | | |
| Oil and grease | mg/L | 15 | 20 | | |
| Polychlorinated Biphenyls | ug/L | --- | No Detectable Amount | --- | --- |
| pH | Standard Units | ---- | ---- | 6.0 | 9.0 |

[5] Does not apply to total chromium or total zinc concentrations

### 6. Final Effluent Limitations – Discharge Point 016

a. The discharge of once-through condenser cooling water as defined by 40 CFR § 423.13 shall maintain compliance with the following effluent limitations at Discharge Point Serial Number 016. Compliance shall be measured at Monitoring Location Discharge Serial Numbers 016 as described in the attached Monitoring and Reporting Program (Attachment E).

| Parameter | Units | Effluent Limitations 016 | | | |
|---|---|---|---|---|---|
| | | Average Monthly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Chlorine residual | mg/l | --- | 0.2 | ---- | ---- |
| Polychlorinated biphenyls | ug/l | --- | No detectable amount | --- | --- |

B. **Interim Effluent Limitations** This section of the standardized permit form is not applicable.

C. **Land Discharge Specifications**
This section of the standardized permit form is not applicable.

D. **Reclamation Specifications**
This section of the standardized permit form is not applicable.

## V. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. Compliance with receiving water limitations shall be measured at Monitoring Locations 017 and 018 as described in the attached Monitoring and Reporting Program (Attachment E). The discharge shall not cause the following in the Eel River:

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. Additionally, the discharge shall not cause the dissolved oxygen content of the receiving water to fall below 10.0 mg/l more than 50 percent of the time, or below 7.5 mg/l more than 10 percent of the time. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.

2. The waste discharge shall not cause the specific conductance (micromhos[6]) concentration of the receiving waters to increase above 225 micromhos 50 percent of the time, or above 375 micromhos more than 10 percent of the time.

3. The waste discharge shall not cause the total dissolved solids concentration of the receiving waters to increase above 140 mg/l more than 50 percent of the time, or above 275 mg/l more than 10 percent of the time.

4. The discharge shall not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. If the pH of the receiving water is less than 6.5, the discharge shall not cause a further depression of the pH of the receiving water. If the pH of the receiving water is greater than 8.5, the discharge shall not cause a further increase in the pH of the receiving water. The discharge shall not cause receiving water pH to change more than 0.5 pH units at any time.

5. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.

6. The discharge shall not cause the receiving waters to contain floating materials, including, but not limited to, solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

7. The discharge shall not cause the receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.

8. The discharge shall not cause coloration of the receiving waters that causes nuisance or adversely affects beneficial uses.

9. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.

10. The discharge shall not cause or contribute to receiving water concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.

11. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective shall be determined according to Effluent Limitation IV.A.1.c. and Section V of the Monitoring and Reporting Program (Attachment E).

[6] Measured at 77º F.

12. The discharge shall not alter the natural temperature of the receiving waters.

13. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life as a result of the discharge. The discharge shall not cause the receiving waters to contain concentrations of pesticides in excess of the limiting concentrations set forth in Table 3-2 of the Basin Plan.

14. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.

15. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the CWA and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with the more stringent standards.

16. The discharge shall not cause concentrations of chemical constituents to occur in excess of limiting concentrations specified in Table 3-2 of the Basin Plan or in excess of more stringent MCLs established for these pollutants in Title 22, Division 4, Chapter 15, Articles 4 and 5.5 of the CCR.

**B. Groundwater Limitations**

1. The collection, storage, and use of wastewater or recycled water shall not cause or contribute to a statistically significant degradation of groundwater quality.

2. The collection, treatment, storage, and or use of wastewater or recycled water shall not cause alterations of groundwater that result in chemical concentrations in excess of limits specified in CCR, Title 22 §64435 Tables 2 and 3, limits specified in Title 22 §64444.5 Table 5, or Table 3-2 of the Basin Plan. Nor shall wastewater collection, treatment, storage or use result in taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

# VI. PROVISIONS

## A. Standard Provisions

### 1. Federal Standard Provisions.

The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

### 2. Regional Water Board Standard Provisions.

A minimum chlorine residual of 1.5 mg/L shall be maintained at the end of the disinfection process.

## B. Monitoring and Reporting Program Requirements

The discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

## C. Special Provisions

### 1. Reopener Provision

The Regional Water Board may modify, or revoke and reissue, this Order and Permit if present or future investigations demonstrate that the Discharger governed by this Permit are causing or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or state or federal statute or regulation, the effluent limitations for toxic pollutants contained in this Permit may be revised to be consistent with the order, decision, statute, or regulation.

The Regional Water Board may reopen this Order within five years of adoption if the effluent monitoring results from an upgraded Facility and/or the Discharger's source control and reduction efforts demonstrate that there is no reasonable potential for the discharge from the Facility to cause or contribute to an excursion above any state water quality standard or to water quality impacts, or other new information demonstrates reasonable potential for any pollutant or pollutant parameter with applicable water criteria established by the NTR, CTR, or Basin Plan.

## 2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. The Discharger shall comply with the following special study requirements in order to evaluate the design capacity of the municipal waste treatment facility, confirm and/or determine the hydraulic and biological treatment capacity of the WWTF treatment train.

| Task | Task Description | Due Date |
|---|---|---|
| **1** | Submit for Executive Officer approval, a workplan to conduct an engineering evaluation to determine the hydraulic and biological treatment capacity of the WWTF. The workplan proposal should be designed to investigate:<br><br>• The ability of the current WWTF configuration to consistently meet secondary treatment standards;<br>• The maximum flow that can pass through the WWTF while still achieving permit limitations;<br>• The maximum number of equivalent design units (EDU) the WWTF can treat; and<br>• Capability of the WWTF to treat industrial waste streams currently entering the plant as well as those that may enter the plant in the foreseeable future.<br><br>The workplan proposal shall contain milestones and a time schedule for completion of the study. The study time schedule shall be as short as practicable, and in no case, extend beyond four years following the effective date of this Order. The study time schedule should also include provision for the submittal of semi-annual progress reports. | Six months following the effective date of this Order |
| **2** | Submit a report describing the findings and conclusions of the capacity study that models the fate and transport of wastewater pollutants. In addition, the report shall identify tasks and an associated schedule to address any shortcomings identified during the study. The report should include all pertinent information from monitoring, literature searches, engineering study, etc. | No later than 4 years following the effective date of this Order |

b. The Discharger shall comply with one of the following special study tracks in order to assure compliance with the Basin Plan's discharge prohibitions for the Eel River, described in this Order:

i. Hydrogeologic Study

| Task | Task Description | Due Date |
|---|---|---|
| | The Discharger shall conduct all work under the direction of a California registered engineer or geologist experienced in pollution investigation in accordance with all laws. All necessary permits shall be obtained. | |
| **1** | Submit for Executive Officer approval, a workplan for a hydrogeologic study to determine the fate and transport of wastewater pollutants discharged via the Discharger's treatment/disposal ponds and sludge dewatering trench. The workplan proposal should be designed to investigate:<br><br>• current and/or projected surveyed elevations of pond features referenced to mean sea level (e.g., pond bottom, peak water surface level) and nearby surface water features (e.g., channel bed, top of bank, seasonal average and maximum water surface elevations);<br>• site specific lithology;<br>• depth to groundwater across seasonal variations;<br>• seasonal groundwater gradients;<br>• transmissivity of areal soil;<br>• concentration gradients of targeted wastewater constituents[7] measured at various points extending away from the disposal area towards the Eel River.<br><br>The workplan proposal shall contain milestones and a time schedule for completion of the study. The study time schedule shall be as short as practicable, and in no case, extend beyond three and a half years following the effective date of this Order. The study time schedule should also include provision for the submittal of semi-annual progress reports. | Six months following the effective date of this Order |
| **2** | Submit a report describing the findings and conclusions of the hydrogeologic study that models the fate and transport of wastewater | No later than 3.5 years following the effective date |

[7] For the purpose of this study, the use of conservative indicator pollutants would be adequate.

| Task | Task Description | Due Date |
|---|---|---|
| | pollutants. The report should include all pertinent information from groundwater monitoring wells used to collect data, including well locations, well logs, etc. | of this Order |
| **3** | If the hydrogeologic study demonstrates that wastewater pollutants discharged to the treatment/disposal ponds reach the Eel River, the Discharger shall submit a written proposal to study alternatives to comply with the Basin Plan discharge prohibitions. The study plan shall contain milestones and a time schedule for selection and implementation of alternative methods. The study time schedule shall be as short as practicable. | No later than 4 years following the effective date of this Order |

OR

ii. Study to Determine Alternative Disposal Method

| Task | Task Description | Due Date |
|---|---|---|
| **1** | Submit a written commitment to modify existing treatment/disposal methods in order to ensure compliance with the Basin Plan discharge prohibitions. The commitment shall include a preliminary schedule of tasks necessary to develop a detailed study plan containing milestones and a time schedule for selection and implementation of an alternative treatment/storage method. | Six months following the effective date of this Order |
| **2** | Submit a written proposal to study disposal alternatives to comply with the Basin Plan discharge prohibitions. The study plan shall contain milestones and a time schedule for selection and implementation of an alternative disposal method. The study time schedule shall be as short as practicable but no longer than 5 years from permit expiration. | No later than 3.5 years following the effective date of this Order |

## 3. Best Management Practices and Pollution Prevention

Pollutant Minimization Program

The Discharger shall, as required by the Executive Officer, prepare a Pollutant Minimization Program in accordance with the SIP, when 1) there is evidence that a priority pollutant is present in the effluent above an effluent limitation; 2) a sample

result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level; or 3) when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

**4. Compliance Schedules**

This section of the standardized permit form is not applicable.

**5. Operation and Maintenance Specifications**

a. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Discharger to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory quality control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the Discharger only when necessary to achieve compliance with the conditions of this Order. [40 CFR 122.41(e)]

b. The Discharger shall maintain an updated Operation and Maintenance (O&M) Manual for the Facility. The Discharger shall update the O&M Manual, as necessary, to conform to changes in operation and maintenance of the Facility. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:

i. Description of the treatment plant, table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times.

ii. Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.

iii. Description of laboratory and quality assurance procedures.

iv. Process and equipment inspection and maintenance schedules.

v. Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the Discharger will be able to comply with requirements of this Order.

vi. Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

**6. Special Provisions for Municipal Facilities (WWTF's Only)**

a. **Wastewater Collection Systems**

i. Within 365 days from the effective date of this Order, the Discharger shall develop and implement a management, operation and maintenance program for its wastewater collection system. The program shall include:

a) Adoption of the necessary legal authorities to implement the program.

b) Establishment of collection system performance goals and measures to control infiltration and inflow.

c) A schedule to conduct routine, on-going preventive operation and maintenance activities.

d) Procedures to identify structural deficiencies and to propose and implement rehabilitation actions.

e) The design and implementation of an ongoing program to assess the capacity of the collection system and treatment facility.

f) The maintenance of accurate collection system maps and maintenance records.

g) Collection system employee training program.

h) Establishment and implementation of asset management and long-term planning geared to providing adequate system capacity for base and peak flows in the collection system.

b. **Sanitary Sewer Overflows**

i. The Discharger shall submit to the Regional Water Board within 180 days of the effective date of this Order an updated Spill Response and Notification Plan. The Discharger shall review and update the Plan, as

necessary, at least every five years and include an updated Plan in the application for new waste discharge requirements.

ii. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line, diverting overflows to a nearby sewer line, and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.

iii. SSOs shall be reported to the Regional Water Board staff in accordance with the following:

a) *SSOs in excess of 1,000 gallons* or any SSO that results in sewage reaching surface waters, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone. A written description of the event shall be submitted with the monthly monitoring report.

b) *SSOs that result in a sewage spill between 5 gallons and 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours. A written description of the event shall be submitted with the monthly monitoring report.

c) *SSOs that result in a sewage spill less than 5 gallons* that do not enter a waterway require a written description of the event to be submitted with the monthly monitoring report. .

d) Information to be provided verbally includes:

(i.) Name and contact information of caller.
(ii) Date, time and location of SSO occurrence.
(iii) Estimates of spill volume, rate of flow, and spill duration.
(iv) Surface water bodies impacted.
(v) Cause of spill.
(vi) Cleanup actions taken or repairs made.
(vii) Responding agencies.

(e.) Information to be provided in writing includes:

(i.) Information provided in verbal notification.
(ii.) Other agencies notified by phone.
(iii.) Detailed description of cleanup actions and repairs taken.
(iv.) Description of actions that will be taken to minimize or prevent future spills.

iv. The Discharger shall submit an annual report to the Regional Water Board describing the Discharger's activities within the collection system over the previous calendar year. This annual report is due to be received by the Regional Water Board by February 1st of each year and shall contain:

a) A description of any change in the local legal authorities enacted to implement the program.

b) A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume, and cause of the SSO, the names and addresses of the responsible parties (if other than the Discharger).

c) A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions.

d) Documentation of steps taken to stop and mitigate impacts of sanitary sewer overflows.

v. The Discharger shall perform a self-audit at least once during the life of this Order to assess the degree to which the performance measurements are being met.

vi. The Discharger shall provide notice to the public of the availability of each annual report in a manner reasonably designed to inform the public. The notice shall include a contact person and telephone number for the Discharger and information on how to obtain a copy of the report. The Discharger shall provide documentation that the annual report has been made available to the public.

c. **Source Control Provisions**

i. Beginning January 1, 2007, the Discharger shall perform source control functions, to include the following:

a) Implement the necessary legal authorities to monitor and enforce source control standards, restrict discharges of toxic materials to the collection system and inspect facilities connected to the system.

b) If waste haulers are allowed to discharge to the Facility, establish a waste hauler permit system, to be reviewed by the Executive Officer, to regulate waste haulers discharging to the collection system or Facility.

c) Conduct a waste survey to identify all industrial dischargers that might discharge pollutants that could pass through or interfere with the operation or performance of the Facility

d) Perform ongoing industrial inspections and monitoring, as necessary, to ensure adequate source control.

ii. The Discharger shall submit an annual report to the Regional Water Board describing the Discharger's source control activities during the past year. This annual report is due on February 1st of each year, beginning on February 1, 2008 and shall contain:

a) A copy of the source control standards.

b) A description of the waste hauler permit system.

c) A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of any industrial or commercial users under surveillance by the Discharger, an explanation of whether they were inspected, sampled, or both, the frequency of these activities at each user, and the conclusions or results from the inspection or sampling of each user.

d) A summary of public participation activities to involve and inform the public.

d. **Solids Disposal and Handling Requirements**

i. All collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a municipal solid waste landfill, reused by land application, disposed of in a sludge-only landfill, or incinerated in accordance with 40 CFR Parts 257, 258, 501, and 503, the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations, and with the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan). If the Discharger desires to dispose of solids or sludge by a different method, a request for permit modification shall be submitted to the USEPA and the Regional Water Board 180 days prior to the alternative disposal.

ii. All the requirements in 40 CFR 503 are enforceable by USEPA whether or not they are stated in an NPDES permit or other permit issued to the Discharger. The Regional Water Board should be copied on relevant correspondence and reports forwarded to the USEPA regarding sludge management practices.

iii. Sludge that is disposed of in a municipal solid waste landfill or used as landfill daily cover shall meet the applicable requirements of 40 CFR Part 258. In the

annual self-monitoring report, the Discharger shall include the amount of sludge disposed of, and the landfill(s) to which it was sent.

iv. Sludge that is applied to land as soil amendment shall meet pollutant ceiling concentrations and pollutant concentrations, pathogen reduction and vector attraction reduction requirements, and annual and cumulative discharge limitations of 40 CFR Part 503.

v. Sludge that is disposed of through surface disposal, including but not limited to trench systems, area-fill systems, active waste piles, and active impoundments or lagoons shall meet the applicable requirements of 40 CFR Part 503. Sludge stored beyond two years may be considered disposal and regulated as a waste pile or surface impoundment under Title 27, Division 2 of the CCR.

vi. The Discharger is responsible for ensuring compliance with these regulations whether the Discharger uses or disposes of the sludge itself or contracts with another party for further treatment, use, or disposal. The Discharger is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under 40 CFR Parts 257, 258, and 503.

vii. The Discharger shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Order that has a likelihood of adversely affecting human health or the environment.

viii. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.

ix. The solids and sludge treatment and storage site shall have facilities adequate to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from at least a 100-year storm and protection from the highest possible tidal stage that may occur.

x. The discharge of sewage sludge and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited in the waters of the state.

e. **Operator Certification**

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23, CCR, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State DHS where water reclamation is involved.

f. **Adequate Capacity**

Whenever a WWTF will reach capacity within four years, the Discharger shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. Factors to be evaluated in assessing reserve capacity shall include, at a minimum, (1) comparison of the wet weather design flow with the highest daily flow, and (2) comparison of the average dry weather design flow with the lowest monthly flow. The Discharger shall demonstrate that adequate steps are being taken to address the capacity problem. The Discharger shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board, or within 120 days after receipt of Regional Water Board notification, that the WWTF will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board itself. [CCR Title 23, Section 2232]

**7. Storm Water**

For the control of storm water discharge from the site of the wastewater treatment facility, if applicable, the Discharger shall seek authorization to discharge under and meet the requirements of the State Water Board's Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.*

## VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

**A. Average Monthly Effluent Limitation (AMEL)**

If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. For purposes of Mandatory Minimum Penalties, a violation of an AMEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

**B. Average Weekly Effluent Limitation (AWEL)**

If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. For purposes of Mandatory Minimum Penalties, a violation of an AWEL will be considered as one violation. Depending on the nature of the violation, the Regional Water Board may, however, pursue discretionary civil penalties for the remaining days of violation. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

**C. Maximum Daily Effluent Limitation (MDEL)**

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**D. Instantaneous Minimum Effluent Limitation**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance

for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**E. Instantaneous Maximum Effluent Limitation.**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

**F. Compliance with Single-Constituent Effluent Limitations.**

The discharge is out of compliance with the effluent limitation if the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML). The ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes and processing steps have been followed.

**G. Compliance with Effluent Limitations Expressed as a Sum of Several Constituents.**

The discharge is out of compliance with an effluent limitation that applies to the sum of a group of chemicals (e.g., PCBs) if the sum of the individual pollutant concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as non-detect (ND) or Detected, but Not Quantified (DNQ).

**H. Multiple Sample Data Reduction.**

The concentration of the pollutant in the effluent may be estimated from the result of a single sample analysis or by a measure of the central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses when all sample results are quantifiable (i.e., greater than or equal to the reported ML). When one or more sample results are reported as ND or DNQ, the central tendency concentration of the pollutant shall be the median value of the multiple samples. If, in an even number of samples, one or both of the middle values is ND or DNQ, the median will be the lower of the two middle values.

# ATTACHMENT A – DEFINITIONS

**Average Monthly Effluent Limitation (AMEL):** the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.

**Average Weekly Effluent Limitation (AWEL):** the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. Where less than daily sampling is required, the average shall be determined by the summation of all the measured daily discharges divided by the number of days during the calendar week when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the weekly average.

**Daily Discharge:** Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

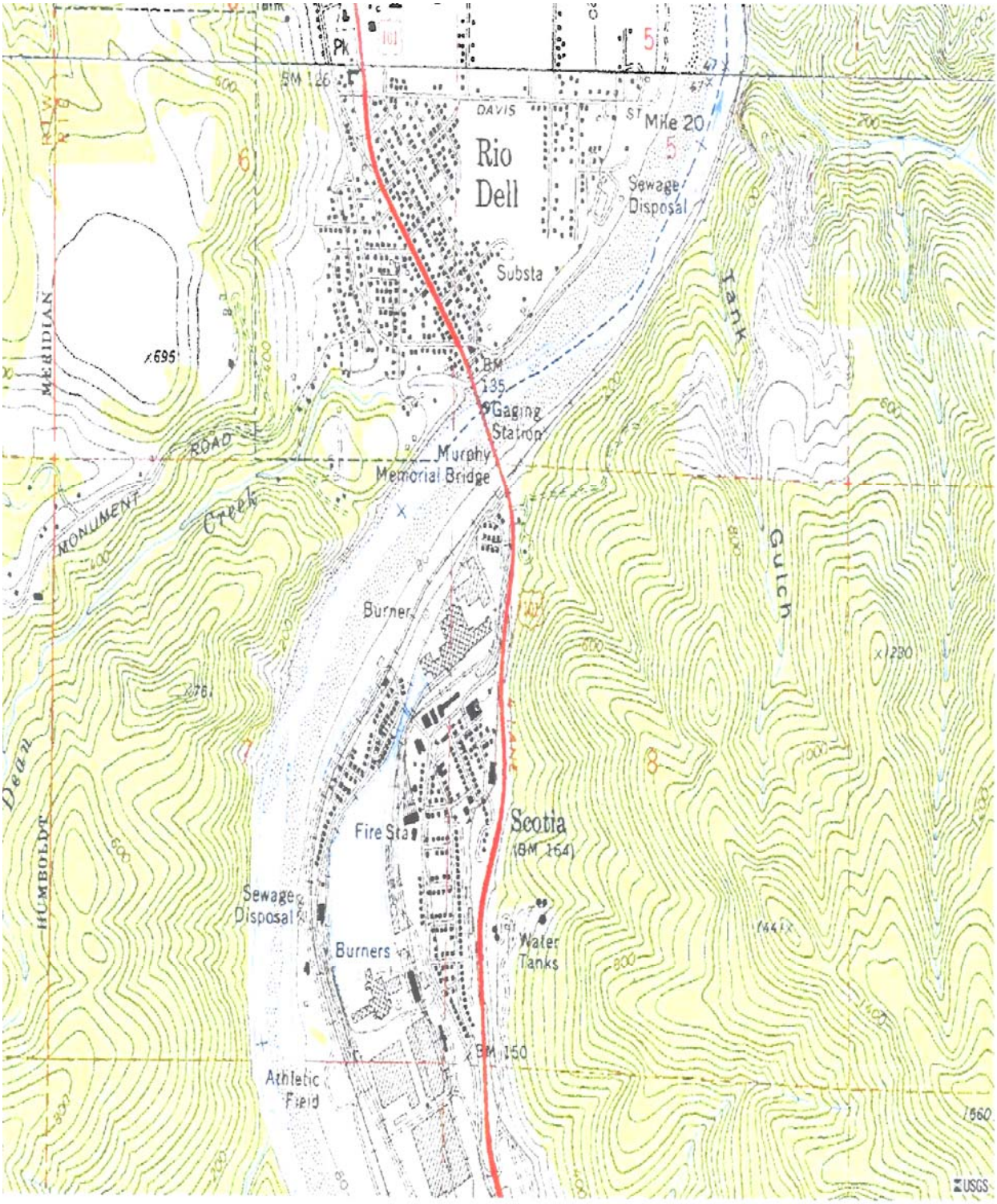
**Instantaneous Maximum Effluent Limitation:** the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

**Instantaneous Minimum Effluent Limitation:** the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

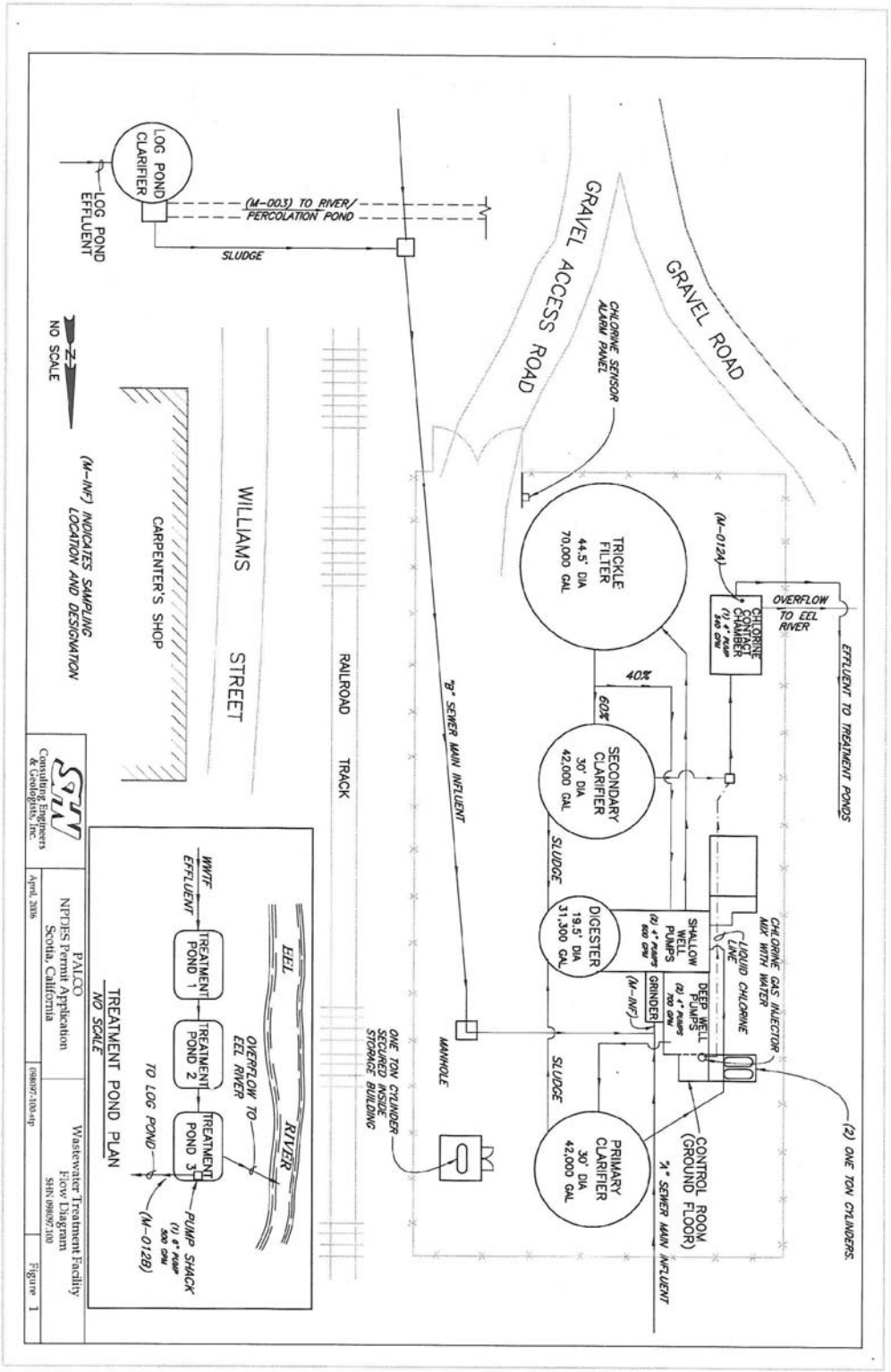
**Maximum Daily Effluent Limitation (MDEL):** the highest allowable daily discharge of a pollutant.

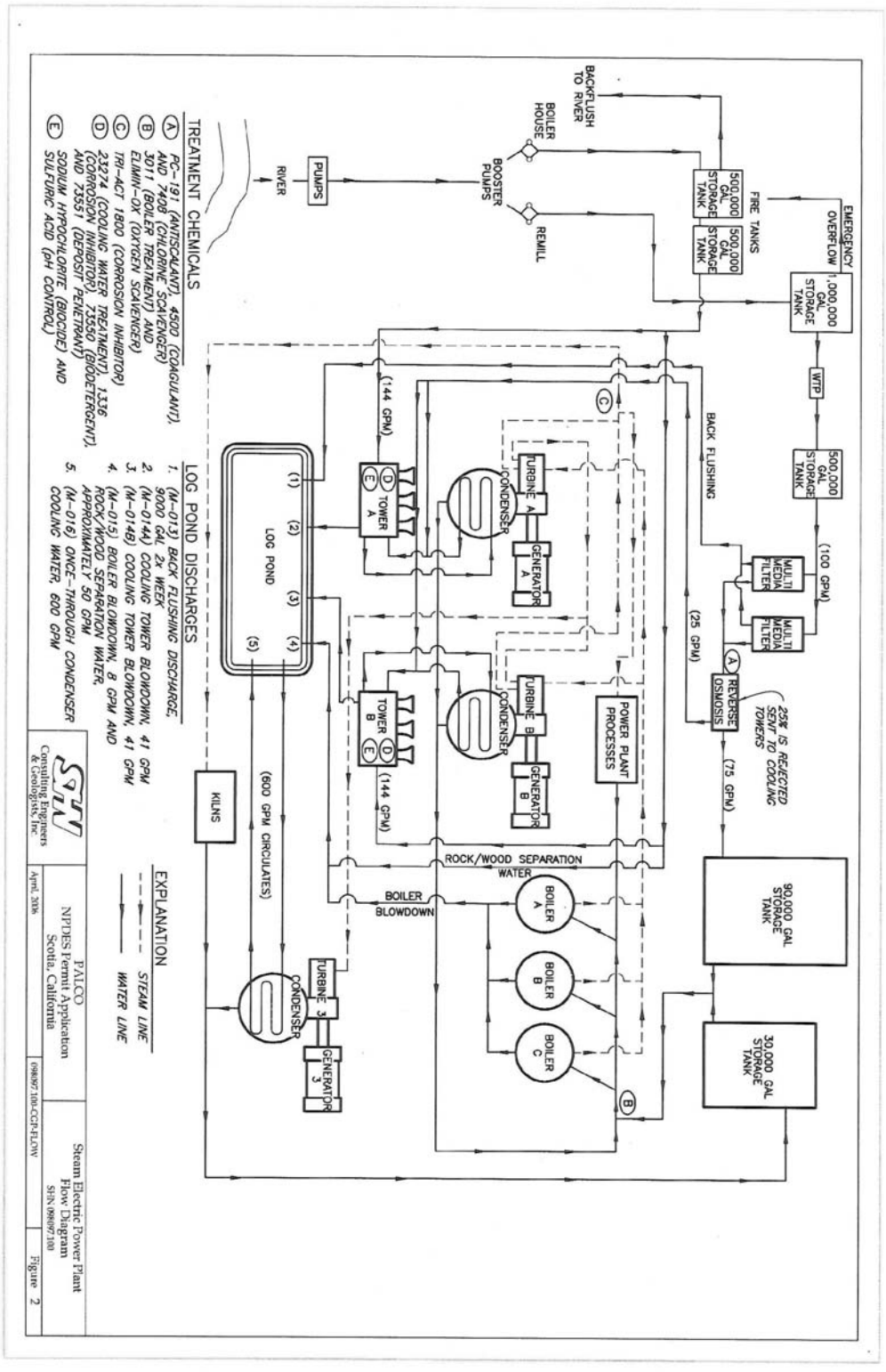
**Six-month Median Effluent Limitation:** the highest allowable moving median of all daily discharges for any 180-day period.

# ATTACHMENT B – TOPOGRAPHIC MAP



# ATTACHMENT C – FLOW SCHEMATIC




EMERGENCY OVERFLOW
1,000,000 GAL STORAGE TANK
FIRE TANKS
500,000 GAL STORAGE TANK
500,000 GAL STORAGE TANK
BACKFLUSH TO RIVER
BOILER HOUSE
BOOSTER PUMPS
REMILL
PUMPS
RIVER
WTP
500,000 GAL STORAGE TANK
(100 GPM)
BACK FLUSHING
MULTI MEDIA FILTER
MULTI MEDIA FILTER
REVERSE OSMOSIS
25% IS REJECTED SENT TO COOLING TOWERS
(25 GPM)
(75 GPM)
90,000 GAL STORAGE TANK
30,000 GAL STORAGE TANK
(144 GPM)
TURBINE A
CONDENSER
GENERATOR A
TOWER A
TURBINE B
CONDENSER
GENERATOR B
TOWER B
(144 GPM)
POWER PLANT PROCESSES
LOG POND
(1)
(2)
(3)
(4)
(5)
KILNS
(600 GPM CIRCULATES)
ROCK/WOOD SEPARATION WATER
BOILER BLOWDOWN
BOILER A
BOILER B
BOILER C
TURBINE 3
CONDENSER
GENERATOR 3
TREATMENT CHEMICALS
(A) PC-191 (ANTISCALANT), 4500 (COAGULANT), AND 7408 (CHLORINE SCAVENGER)
(B) 3011 (BOILER TREATMENT) AND ELIMIN-OX (OXYGEN SCAVENGER)
(C) TRI-ACT 1800 (CORROSION INHIBITOR)
(D) 2327A (COOLING WATER TREATMENT), 1336 (CORROSION INHIBITOR), 73550 (BIODETERGENT), AND 7335T (DEPOSIT PENETRANT)
(E) SODIUM HYPOCHLORITE (BIOCIDE) AND SULFURIC ACID (pH CONTROL)
LOG POND DISCHARGES
1. (M-013) BACK FLUSHING DISCHARGE, 9000 GAL 2x WEEK
2. (M-014A) COOLING TOWER BLOWDOWN, 41 GPM
3. (M-014B) COOLING TOWER BLOWDOWN, 41 GPM
4. (M-015) BOILER BLOWDOWN, 8 GPM AND ROCK/WOOD SEPARATION WATER, APPROXIMATELY 50 GPM
5. (M-016) ONCE-THROUGH CONDENSER COOLING WATER, 600 GPM
EXPLANATION
STEAM LINE
WATER LINE
SHN Consulting Engineers & Geologists, Inc.
PALCO
NPDES Permit Application
Scotia, California
April, 2006
098097.100-CGP-FLOW
Steam Electric Power Plant
Flow Diagram
SHN: 098097.100
Figure 2

# ATTACHMENT D – FEDERAL STANDARD PROVISIONS

## I. STANDARD PROVISIONS – PERMIT COMPLIANCE

### A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [*40 CFR §122.41(a)*].

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [*40 CFR §122.41(a)(1)*].

### B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order [*40 CFR §122.41(c)*].

### C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [*40 CFR §122.41(d)*].

### D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order [*40 CFR §122.41(e)*].

### E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [*40 CFR §122.41(g)*].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [*40 CFR §122.5(c)*].

## F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [*40 CFR §122.41(i)*] [*CWC 13383(c)*]:

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [*40 CFR §122.41(i)(1)*];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [*40 CFR §122.41(i)(2)*];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [*40 CFR §122.41(i)(3)*];

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [*40 CFR §122.41(i)(4)*].

## G. Bypass

1. Definitions

   a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [*40 CFR §122.41(m)(1)(i)*].

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [*40 CFR §122.41(m)(1)(ii)*].

2. Bypass not exceeding limitations – The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [*40 CFR §122.41(m)(2)*].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless [*40 CFR §122.41(m)(4)(i)*]:

    a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [*40 CFR §122.41(m)(4)(A)*];

    b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [*40 CFR §122.41(m)(4)(B)*]; and

    c. The Discharger submitted notice to the Regional Water Board as required under Standard Provision – Permit Compliance I.G.5 below [*40 CFR §122.41(m)(4)(C)*].

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [*40 CFR §122.41(m)(4)(ii)*].

5. Notice

    a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [*40 CFR §122.41(m)(3)(i)*].

    b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [*40 CFR §122.41(m)(3)(ii)*].

## H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [*40 CFR §122.41(n)(1)*].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before

an action for noncompliance, is final administrative action subject to judicial review [*40 CFR §122.41(n)(2)*].

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [*40 CFR §122.41(n)(3)*]:

   a. An upset occurred and that the Discharger can identify the cause(s) of the upset [*40 CFR §122.41(n)(3)(i)*];

   b. The permitted facility was, at the time, being properly operated [*40 CFR §122.41(n)(3)(i)*];

   c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [*40 CFR §122.41(n)(3)(iii)*]; and

   d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [*40 CFR §122.41(n)(3)(iv)*].

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [*40 CFR §122.41(n)(4)*].

## II. STANDARD PROVISIONS – PERMIT ACTION

### A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [*40 CFR §122.41(f)*].

### B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit [*40 CFR §122.41(b)*].

### C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC [*40 CFR §122.41(l)(3)*] [*40 CFR §122.61*].

## III. STANDARD PROVISION - MONITORING

**A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [*40 CFR §122.41(j)(1)*].

**B.** Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [*40 CFR §122.41(j)(4)*] [*40 CFR §122.44(i)(1)(iv)*].

## IV. STANDARD PROVISIONS - RECORDS

**A.** Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time [*40 CFR §122.41(j)(2)*].

**B.** Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [*40 CFR §122.41(j)(3)(i)*];

2. The individual(s) who performed the sampling or measurements [*40 CFR §122.41(j)(3)(ii)*];

3. The date(s) analyses were performed [*40 CFR §122.41(j)(3)(iii)*];

4. The individual(s) who performed the analyses [*40 CFR §122.41(j)(3)(iv)*];

5. The analytical techniques or methods used [*40 CFR §122.41(j)(3)(v)*]; and

6. The results of such analyses [*40 CFR §122.41(j)(3)(vi)*].

**C. Claims of confidentiality for the following information will be denied [*40 CFR §122.7(b)*]:**

1. The name and address of any permit applicant or Discharger [*40 CFR §122.7(b)(1)*]; and

2. Permit applications and attachments, permits and effluent data [*40 CFR §122.7(b)(2)*].

## V. STANDARD PROVISIONS - REPORTING

### A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Water Board, SWRCB, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, SWRCB, or USEPA copies of records required to be kept by this Order [*40 CFR §122.41(h)*] [*CWC 13267*].

### B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or USEPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [*40 CFR §122.41(k)*].

2. All permit applications shall be signed as follows:

   a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [*40 CFR §122.22(a)(1)*];

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [*40 CFR §122.22(a)(2)*]; or

   c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for

the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [*40 CFR §122.22(a)(3)*].

3. All reports required by this Order and other information requested by the Regional Water Board, SWRCB, or USEPA shall be signed by a person described in paragraph (b) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in paragraph (2.) of this provision [*40 CFR §122.22(b)(1)*];

   b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [*40 CFR §122.22(b)(2)*]; and

   c. The written authorization is submitted to the Regional Water Board, SWRCB, or USEPA [*40 CFR §122.22(b)(3)*].

4. If an authorization under paragraph (3.) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (3.) of this provision must be submitted to the Regional Water Board, SWRCB or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under paragraph (2.) or (3.) of this provision shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations" [*40 CFR §122.22(d)*].

## C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order [*40 CFR §122.41(l)(4)*].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [*40 CFR §122.41(l)(4)(i)*].

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [*40 CFR §122.41(l)(4)(ii)*].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [*40 CFR §122.41(l)(4)(iii)*].

## D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date [*40 CFR §122.41(l)(5)*].

## E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [*40 CFR §122.41(l)(6)(i)*].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [*40 CFR §122.41(l)(6)(ii)*]:

    a. Any unanticipated bypass that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(A)*].

    b. Any upset that exceeds any effluent limitation in this Order [*40 CFR §122.41(l)(6)(ii)(B)*].

    c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [*40 CFR §122.41(l)(6)(ii)(C)*].

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [*40 CFR §122.41(l)(6)(iii)*].

## F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [*40 CFR §122.41(l)(1)*]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [*40 CFR §122.41(l)(1)(i)*]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [*40 CFR §122.41(l)(1)(ii)*].

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [*40 CFR §122.41(l)(1)(iii)*].

## G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [*40 CFR §122.41(l)(2)]*.

## H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [*40 CFR §122.41(l)(7)*].

## I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, SWRCB, or USEPA, the Discharger shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

## VI. STANDARD PROVISIONS - ENFORCEMENT

**A.** The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [*40 CFR §122.41(a)(2)*] [*CWC 13385 and 13387*].

**B.** Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day, during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [*40 CFR §122.41(a)(3)*].

**C.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph,

punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [*40 CFR §122.41(j)(5)*].

**D.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [*40 CFR §122.41(k)(2)*].

## I. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

### A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [*40 CFR §122.42(a)*]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" [*40 CFR §122.42(a)(1)*]:

    a. 100 micrograms per liter (µg/L) [*40 CFR §122.42(a)(1)(i)*];

    b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(1)(ii)*];

    c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(1)(iii)*]; or

    d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(1)(iv)*].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels" [*40 CFR §122.42(a)(2)*]:

    a. 500 micrograms per liter (µg/L) [*40 CFR §122.42(a)(2)(i)*];

    b. 1 milligram per liter (mg/L) for antimony [*40 CFR §122.42(a)(2)(ii)*];

    c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [*40 CFR §122.42(a)(2)(iii)*]; or

d. The level established by the Regional Water Board in accordance with 40 CFR §122.44(f) [*40 CFR §122.42(a)(2)(iv)*].

## B. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [*40 CFR §122.42(b)*]:

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR §122.42(b)(1)*]; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [*40 CFR §122.42(b)(2)*].

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [*40 CFR §122.42(b)(3)*].